



**WEST VIRGINIA
DIVISION OF
JUVENILE SERVICES**

POLICY NUMBER:

311.00

PAGES:

4

CHAPTER:

Institutional Operations

REFERENCE AND RELATED STANDARDS:

WV Code Chapter § 49-2-903, 61-5-8; ACA 3-JTS-1A-30, ACA 3-JDF-1A-34 and ACA 1-JDTP-1A-27; Prison Rape Elimination Act of 2012 (PREA) §§115.317 and 115.377

SUBJECT: Contractor/Vendor Escorts and Security Protocol

DATE: July 1, 2015

PURPOSE

It is the policy of the Division of Juvenile Services to ensure that outside contractors/vendors who perform work at facilities do so only under the direct and continuous supervision of facility staff. Contractors/vendors may only work unsupervised in areas that have been determined by a Facility Superintendent/Director to be secure and with no resident/cadet accessibility.

CANCELLATION

This policy has been reviewed and supersedes Policy 311.00 dated April 1, 2015.

APPLICABILITY

This Policy applies to all Division of Juvenile Services' facilities.

DEFINITIONS

Contractors/Vendors: Outside personnel who provide services on a recurring basis pursuant to a contractual agreement with the Division or regarding new construction and/or building remodels/repairs.

PROCEDURES

1. All contractors/vendors who will be doing work on the grounds of a residential facility will submit a list of employees, with birth date and social security number, to the Facility Superintendent/Director for a background check.
2. The Division will not enlist the services of any contractor or vendor who may have contact with residents, who:

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- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described above.
3. The Division shall consider any incidents of sexual harassment in determining whether to enlist the services of any contractor or vendor who may have contact with residents.
4. Contractor/vendor personnel applicants:
 - a. Will read and sign the Background Check and Acknowledgements form. (Attachment #1)
 - b. Will read Policy 143.00 – Confidentiality of Information and sign a certificate of understanding attached to said policy.
 - c. Will read the attached Prison Rape Elimination Act pamphlet (Attachment #2) for contractors/vendor personnel and initial the appropriate space on the Acknowledgements form.
5. All approved contract/vendor personnel will be issued a “Visitor’s Pass” or a DJS-approved identification badge.
6. Key Control – All keys, to include vehicle, personal and/or equipment keys of contracted personnel brought into or issued by the facility are subject to facility key control procedures.
7. Tool Control – The introduction and use of tools by the contractor will be managed and controlled on a daily basis. Rules will be established for tool control at the facility to include at a minimum, the inventory of all tools entering the secure perimeter and ensuring that all tools are accounted for at the end of each day.

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8. Chemical Control – All flammables, toxics and caustic substances brought into or issued by the facility will be controlled and stored in accordance with established procedures for each facility.
9. Contraband Issues – Contraband will be defined by the Facility Superintendent/Director and will be strictly enforced.
10. In accordance with state law, no person shall introduce any alcoholic liquor, non-intoxicating beer, poison, implement of escape, dangerous material, weapon, or any controlled substance into any Division of Juvenile Services facility.
11. Any contractor/vendor who engages in sexual abuse/sexual harassment shall be prohibited from contact with residents and shall be reported to law enforcement agencies and relevant licensing bodies.
12. Construction Contractor Compliance Checklist – The Facility Superintendent/Director will ensure that a checklist is developed and implemented to monitor compliance. The checklist will be completed on a weekly basis or more often if deemed necessary by the Facility Superintendent/Director during the course of the project. This checklist will include at a minimum the following:
 - a. Check for unauthorized or inappropriate use of and storage of tools, such as ladders, wire cutters, etc.
 - b. Ensure construction vehicles, machinery and equipment have keys removed, fuel is inaccessible, and that the machinery has been disabled when not in immediate use.
 - c. Construction site visits can occur during normal workdays and after hours to ensure the following:
 - i. all gates are locked, if appropriate,
 - ii. site is secure,
 - iii. visibility issues are resolved,
 - iv. safety hazards and environmental issues are identified and corrected.

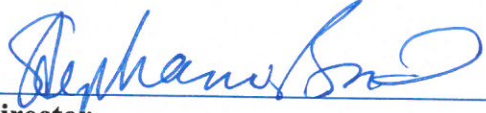
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13. Each facility will have in place an operational procedure to ensure the standards and practices of this policy are followed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:


Director

7/1/15

Date

**WV Division of Juvenile Services
Background Check and Acknowledgements
for Contract/Vendor Personnel**

Date: _____

Contactor/Vendor Name: _____

Individual Full Name (print): _____

SS#: _____ DOB: _____

Authorization to Release Information

I, the undersigned, work for a contractor/vendor who is to work/perform maintenance at a facility operated by the West Virginia Division of Juvenile Services.

I authorize the WV Division of Juvenile Services to conduct a background check on me which includes state social services agencies and law enforcement agencies for the purpose of conducting a back ground check, and authorize those persons contacted to release information to the West Virginia Division of Juvenile Services as requested.

This includes my authorization to allow the WV Department of Health and Human Resources to search Child Protective Services records, Adult Protective Services records, Institutional Investigation Unit records and foster care provider records maintained by the WV Department of Health and Human Resources. I also authorize the WV DHHR to inform the person or agency named on this form of the results of the background check, including any history I have had with Social Services.

I release the WV DJS, WV DHHR (pursuant to W.Va. Code § 49-7-1(c)1), law enforcement agencies and/or all its agents in providing information pursuant to this authorization from any and all liabilities, claims or lawsuits.

Read and initial each acknowledgement

_____ I acknowledge that I have received a copy of DJS Policy 143.00 – Confidentiality of Information and signed the Confidentiality Agreement which is an attachment to said policy.

_____ I acknowledge that I have read the attached Prison Rape Elimination Act pamphlet for contractors/vendors and will abide by all rules and regulations pertained therein.

_____ I acknowledge that all vehicle/personal keys and/or other keys that I carry not necessary to complete any tasks will be turned into the facility, which will be returned upon my departure.

_____ I acknowledge that any tools/chemicals substances that I bring onto the premises will be only those tools/chemical substances needed for the job/service required and that I will maintain control of those items the entire time I am on grounds at the facility. I will ensure that all tools/chemical substances brought into the facility are accounted for when I leave the facility.

_____ I understand that I am only authorized to bring onto the premises items that are required to complete my task and are listed with control. Any other items are considered contraband such as, but not limited to, tobacco, alcohol, drugs/medications, weapons, etc.

Individual Full Name (print): _____

Signature: _____

Engaging in any form of over familiar activity with a resident is unprofessional conduct in violation of division policy, State and Federal Law.

A Special Note to Persons in Positions of Power

Amorous or sexual relationships are inappropriate and illegal when they occur between a resident and any staff member, contractor, representative, or volunteer. Residents depend upon staff to provide their care, ensure their safety, address their health care needs, supervise their work and treatment, and act as role models for socially-acceptable conduct. Because of the difference in power between residents and staff, contractors, representatives, and volunteers, there can never be a consensual relationship between the two entities. Here are some factors to consider.

Some residents have a history of victimization, particularly in their formative years, which may make them especially vulnerable to the sexual overtures of persons in positions of authority. Their perception of affection/love may be skewed by this background of abuse, making it impossible for them to refuse the advance of a contractor, representative, or volunteer.

In some instances, particularly for female youth, their survival in the community has been directly related to using their sexuality to obtain the means to support themselves. Coupled with low self-esteem, this carries over into their conduct in facilities and while under community supervision.

Occasionally a youth tries to use sex to improve his/her standing or circumstances (e.g., avoid disciplinary action, effect a transfer, gain privileges, etc.) However, as the person in authority, it is the Volunteers'/Contractors responsibility to discourage and refuse any overtures as well as maintain professional boundaries at all times.

Any effort to prevent a person from reporting an incident or retaliation by any Volunteer or Contractor against any person reporting such activity will be dealt with through the disciplinary process.

If you sexually assault a youth you should know...

A Volunteer/Contractors personal and professional reputation may be jeopardized because of unprofessional conduct. Their careers, and their families can be negatively impacted or destroyed.

Boundaries in relationships can be difficult. If you question your professional boundaries with a youth or feel uncomfortable with his/her actions or advances toward you, talk to another person you respect or bring this matter to the attention of your supervisor before it gets out of control.

**Report abuse, sexual abuse or sexual harassment by calling
1-855-366-0015,**

**emailing DJSPREACoordinator@wv.gov
or visiting www.wvdjs.state.wv.us**

West Virginia Division of Juvenile Services

1200 Quarrier Street, 2nd Floor
Charleston, WV 25301

Phone: (304) 558-9800
Toll Free: 1-800-368-2780
Fax: (304) 558-6032

State of West Virginia

**DIVISION OF
JUVENILE SERVICES**

PREA

Prison Rape Elimination Act

**WHAT YOU
SHOULD KNOW
ABOUT SEXUAL
MISCONDUCT with
RESIDENTS;**

**A Guide for
Volunteers
And
Contractors**

**A Division of
Department of Military
Affairs and Public Safety**

Sexual misconduct, including sexual harassment is a serious offense and is against the law.

Depending on the investigative findings of an alleged incident, disciplinary action may result in dismissal and the advanced possibility of criminal charges. In addition, persons accused of sexual harassment in civil or criminal proceedings may be held personally liable for damages to the person harassed.

in a position of authority over the residents with whom you interact in a professional capacity. It is not possible to have a relationship as equals because you have a responsibility to maintain custody, provide care, provide input to issues that affect release dates, return to their homes, and sanctions.

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